

5 pivot mechanism to said upper sub-frame for pivoting in a main  
plane and which is provided with or adapted to be provided with  
a runner or wheels, and resetting spring means for urging both  
sub-frames toward each other, wherein the sub-frames are mutually  
10 pivotal and translatable in the said main plane, and wherein  
the upper sub-frame is attached to a ski, which is slidale or  
rollable by means of wheels.

REMARKS

Claims 1-18 remain in this application. Claims 1, 4, 9 and 14 have been amended. Claims 2, 3, 5-8, 10-13 and 15-18 remain unchanged. No new subject matter is believed to have been added by this Amendment.

In Section No. 1 of the Office Action, the Examiner rejects claims 1-11 and 13-18 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner cites specific instances in claims 1, 4 and 9, and these claims have been amended in a fashion believed to overcome the Examiner's rejections. Specifically, claim 9 has been amended to indicate that the frame is a member of the family in accordance with one of the configurations from the table thereby directing the claim to only one of a plurality of different possible combinations.

In Section No. 3, the Examiner rejects claims 1, 3-8, 13 and 18 under 35 U.S.C. §102(b) as being anticipated by the teaching of U.S. Patent No. 4,351,538 to Berta (the Berta patent). The Berta patent is directed to spring assisted roller skates intended for jumping which, as illustrated in Figure 1, are fundamentally different from the subject invention.

Specifically, while the arcuate arms (19) are pivotally attached to wheels (23), these arms are not rigidly attached to one another between the wheels (23). This permits the wheels (23) to spread apart with only the force of springs (26, 27) acting to restrain them. A rigid link between the wheels (23) would clearly defeat the purpose of this design.

The Applicants' invention, on the other hand, as found in amended claim 1, is directed to a frame for a sporting device for coupling to a shoe, wherein the frame has an upper sub-frame with a first rigid link for coupling to the shoe and has a lower sub-frame with a second rigid link. The second rigid link is coupled to the first rigid link for pivoting and translating in a main plane and upon which wheels or runners may be secured. The second rigid link is coupled to the first rigid link via a pivoting and translating coupling means which causes the sub-frames to move along a predetermined path fixed by the coupling means.

This arrangement is structurally different from the device disclosed in the Berta patent. As discussed on page 2, lines 10-12 of the specification, of great importance is that the frame allows the possibility of bending the foot in a manner which is similar in that of a walking movement. Furthermore, as stated on page 2, lines 2-9 of the Applicants' specification, the effective point of engagement of the thrust forces during skating must allow the user to use the calf-muscles during skating and such as is not the case with known, non-variable and which exists

only to a small extent with the described known tumble skate. The frame in accordance with the Applicants' invention provides these benefits.

For these reasons, claim 1 as amended is not believed to be anticipated by the teaching of the Berta patent. Furthermore, by way of their dependence upon independent claim 1, dependent claims 3-8, 13 and 18 are also not believed to be anticipated.

In Section No. 4, the Examiner rejects claims 1, 16 and 17 under 35 U.S. C. §102(b) as being anticipated by the teaching of U.S. Patent No. 1,702,316 to Ridgers (the Ridgers patent). The Examiner provides no details of this rejection. However, the Ridgers patent discloses a skate having two distinct blade portions (21, 22) in which the rear blade portion (22) is connected to the front blade portion (21) via a spring loaded link (24) which permits flexing of the sole (3) and the heel (4) to facilitate free movement of the foot. This is fundamentally different from the subject invention which utilizes a rigid link connected to the boot and a separate rigid link connected to the skate to permit the boot and the skate to be mutually pivotable and translatable along a predetermined path fixed by the pivoting and translating coupling means as found in amended claim 1. For this reason, claim 1 is not believed to be anticipated by the teaching of the Ridgers patent. Additionally, claims 16 and 17, by their dependence upon independent claim 1, are also not believed to be anticipated by the teaching of the Ridgers patent.

In Section No. 5, the Examiner indicates that claims 14 and 15 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph. Base claim 1 has been amended to overcome the rejections under 35 U.S.C. §112, second paragraph, and this language has been added to claim 14 to provide an independent claim 14, upon which claim 15 depends. Therefore, claims 14 and 15 are believed to be allowable.

There is no suggestion in either the Berta patent or the Ridgers patent of modifying a frame to arrive at the Applicants' invention. Therefore, the Applicants' invention is not believed to be made obvious by the teaching of either the Berta patent or the Ridgers patent.

Finally, Figures 1A-1C and Figures 2A-2C illustrate prior art designs, and attached with this Amendment are drawing sheets 1-3 with the proposed addition of the words "PRIOR ART" introduced to each of the Figures 1A-1C, Figures 2A-2C and Figures 3-6. Approval of these changes to the drawings are respectfully requested and, upon such approval, formal drawings incorporating these changes will be provided.

Applicants will be submitting shortly a Supplemental Information Disclosure Statement to submit the prior art identified in the International Search Report in the underlying PCT application.

Reconsideration of the rejections and allowance of pending claims 1-18 are hereby respectfully requested.

Respectfully submitted,

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